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6
7 **BEFORE THE**
BOARD OF REGISTERED NURSING
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2010-630**

11 **JAMIE DELBERT CLINE**
12 **1273 Pearce Drive**
Sonoma, CA 95476
13 **Registered Nurse License No. 689072**

A C C U S A T I O N

14 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about September 19, 2006, the Board of Registered Nursing issued Registered
23 Nurse License Number 689072 to Jamie Delbert Cline (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on September 30, 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

..."

6. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

...

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

“(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

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7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

9. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(CRIMINAL CONVICTION)

11. Respondent is subject to disciplinary action under sections 2761(f), 2762(c), and/or 490 in that on or about April 10, 2007, in a criminal proceeding entitled *The People of the State of California v. Jamie Delbert Cline*, in Marin County Superior Court, Case Number CR152012, Respondent pleaded guilty to violating Vehicle Code section 23152(b) (driving with blood alcohol level of .08% or above). Respondent was sentenced to probation for three years and ordered to pay fines in the amount of \$1,379.00.

1 12. Respondent is further subject to disciplinary action in that on or about April 5, 2010,
2 in a criminal proceeding entitled *The People of the State of California v. Jamie Delbert Cline*, in
3 Napa County Superior Court, Case Number CR147312, Respondent was convicted by his plea of
4 nolo contendere of violating Vehicle Code sections 23152(b) (driving with blood alcohol level of
5 .08% or above) and 14601.1(a) (driving when privilege is suspended or revoked). Respondent
6 was sentenced to probation for five years and ordered to pay fines in the amount of \$4,360.00.
7 The circumstances of the conviction were that on or about June 20, 2009, Respondent was
8 arrested on Solano Avenue in Napa, California, for failing to maintain his vehicle inside the lane.
9 Respondent failed field sobriety tests and his blood alcohol level was 0.155%.

10 SECOND CAUSE FOR DISCIPLINE

11 (USING ALCOHOL IN A DANGEROUS MANNER)

12 13. Respondent is subject to disciplinary action under sections 2761(a) and/or 2762(b) in
13 that on or about February 2, 2007, Respondent was arrested for driving under the influence of
14 alcohol.

15 14. Respondent is further subject to disciplinary action in that on or about June 20, 2009,
16 he was arrested on Solano Avenue in Napa, California, for failing to maintain his vehicle inside
17 the lane. Respondent failed field sobriety tests and his blood alcohol level was 0.155%.

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19 PRAYER

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Registered Nursing issue a decision:

22 1. Revoking or suspending Registered Nurse License Number 689072, issued to Jamie
23 Delbert Cline;

24 2. Ordering Jamie Delbert Cline to pay the Board of Registered Nursing the reasonable
25 costs of the investigation and enforcement of this case, pursuant to Business and Professions
26 Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED:

6/10/10

for

Louise Bailey

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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